

VZCZCXRO7339
RR RUEHBZ RUEH DU RUEHJO RUEHMR RUEHRN
DE RUEHLS #0401/01 1001013
ZNR UUUUU ZZH
R 091013Z APR 08
FM AMEMBASSY LUSAKA
TO RUEHC/SECSTATE WASHDC 5669
INFO RUCNSAD/SOUTHERN AF DEVELOPMENT COMMUNITY COLLECTIVE

UNCLAS SECTION 01 OF 02 LUSAKA 000401

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E.O. 12958: N/A
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SUBJECT: Zambia Political Round-up

1. (U) Summary:

- Patriotic Front: Eating Its Young
- Irene Mambilima Appointed Deputy Chief Justice
- President's Nephew in Hot Water Over Remarks
- Key Session of Constitutional Conference in the Offing

PF: Eating Its Young

12. (U) On March 15, the Patriotic Front (PF) continued its campaign against PF members participating in the National Constitutional Conference (NCC) by expelling five Members of Parliament (MPs) for reasons ranging from insolence to withholding monthly contributions.

Those expelled were Faustina Sinyangwe, who allegedly called PF president Michael Sata "a thug," and Saviour Chishimba, Percy Chanda, Marjory Masiye, and Barnabas Chela, who allegedly withdrew their monthly contributions from the party. Violet Sampa-Bredt was reprimanded for refusal to obey official instructions from senior members of the party. The expelled/disciplined MPs are all among the 26 PF MPs who have chosen to participate in the NCC. Following the expulsions, the PF appealed to the Speaker of the National Assembly to declare the five seats open.

13. (U) The affected MPs promptly applied to the Lusaka High Court to cite the PF Central Committee for contempt of court for defying a December 2007 interim court order restraining the PF leadership from either expelling any of the defiant MPs or interfering with the enjoyment of their rights as party members. The order is in place while a court case challenging the party's legal grounds for expelling members works its way through the system. The Speaker of the National Assembly declined to declare the seats open pending a court decision on the court case. Even if the High Court decides in the PF's favor, the legal wrangling is not likely to end soon - the MPs have a right to appeal and will almost certainly use it.

Irene Mambilima Appointed Deputy Chief Justice

14. (U) On March 19, President Mwanawasa announced the appointment of Justice Irene Mambilima, 57, as the new Deputy Chief Justice to replace the late Justice David Lewanika. The appointment was quickly ratified by Parliament. Mambilima had been serving as Chairperson of the Electoral Commission of Zambia (ECZ) since 2001, having risen from the post of Magistrate to High Court judge and later to Supreme Court justice in 1997.

15. (SBU) While some opposition members grumbled that Mambilima's appointment was a reward for a pro-government slant by the ECZ during the 2006 elections, Mambilima is well-respected in her field. Coming to the job of ECZ Chair in 2001 following presidential elections that were widely criticized for their lack of transparency, Mambilima inherited a weak and distrusted institution. In the absence of hoped-for electoral reform that gave the ECZ

sufficient powers to supervise and effectively regulate the conduct of elections, she is credited with having introduced procedural changes aimed at building voter confidence in the electoral process, including a new and complete voters' roll, which displays the voter's photograph, and transparent ballot boxes. All is not perfect, and the ECZ was particularly criticized for not enforcing media regulations about granting equal time to all candidates during the 2006 elections, but overall Mambilima did a creditable job.

¶6. (U) Mambilima holds a Bachelor of Laws degree from the University of Zambia and a Master of Laws degree from the University of London. Three out of the seven Supreme Court justices are women.

President's Nephew in Hot Water Over Remarks

¶7. (SBU) The Clerk of the National Assembly is investigating allegations that Deputy Minister of Finance and National Planning -- and nephew to President Mwanawasa -- Jonas Shakafuswa threatened to beat up fellow MP Munji Habeenzu during an incident at the National Assembly Speaker's Bar on March 20, 2008. Shakafuswa allegedly was reacting to Habeenzu's remarks during a debate on the budget allocation for the Ministry of Health, during which Habeenzu advised his fellow MPs to lead by example on issues pertaining to HIV/AIDS prevention by refraining from engaging in extramarital activities. Habeenzu deplored the behavior of some MPs, who took "extra wives" (mistresses) to the National Assembly Motel (note: a motel built for the use of MPs from districts outside Lusaka to use during Parliament sessions). During the bar incident, Shakafuswa allegedly threatened to beat Habeenzu up; independent daily newspaper The Post also quoted Shakafuswa as saying to Habeenzu: "If a woman wants to be slaughtered, then let her be done. The problem with many of you is that you don't know how to screw women, no wonder they don't like you." Shakafuswa also reportedly told Habeenzu to shut up if he had

LUSAKA 00000401 002 OF 002

no money to pay for sex and to let those who did have money do what they wanted to do.

¶8. (U) Following press coverage of the incident and condemnation of Shakafuswa's words from women's and HIV/AIDS activists, Shakafuswa apologized by saying that he had been drunk and had meant no harm. The outcry against Shakafuswa continued, however, even motivating an online internet poll on whether Shakafuswa should be fired (the results were 81.5 percent in favor, 18.5 percent against, with 796 participants). President Mwanawasa attempted to calm the furor by announcing the investigation by the Clerk of the National Assembly, but subsequently announced that he personally was unable to take any action against Shakafuswa while the results of the investigation were pending. And, on April 2, Shakafuswa publicly withdrew his apology, claiming that his remarks did not insult women.

¶9. (SBU) As a member of the President's "family tree," Shakafuswa has always been considered untouchable and is known for aggressive, heavy-handed attacks on the opposition. All his past cases of alleged misconduct have either been ignored or have gone unchallenged. Christine Moonga, a member of the National Executive Committee (NEC) of the ruling Movement for Multi-Party Democracy (MMD), accused President Mwanawasa of practicing "tribalism" over his unwillingness to take disciplinary action against Shakafuswa and was immediately suspended from the party.

¶10. (U) Upon completion of its investigations on Shakafuswa, the National Assembly can take any of the following actions: (a) acquit him, (b) censure him, (c) suspend him from the National Assembly for a specified period of time, or (d) expel him from the National Assembly for the duration of the current Parliament, that is, until ¶2011.

Key Session of Constitutional Conference in the Offing

¶11. (U) The National Assembly of Zambia adjourned "sine die" on March 20, 2008 after passing the Appropriation Bill for the

Estimates of Expenditure for the Year 2008, and approving the National Budget. The National Constitution Conference (NCC) will now reconvene on April 22, 2008 to commence consideration of the various constitutional proposals made by the Mungomba Constitutional Review Commission (CRC) and any other issues that may be referred to it.

¶12. (SBU) This session of the NCC should be a good indicator of how seriously the constitutional revision project is being taken by the GRZ and NCC delegates. The NCC last adjourned on January 9, 2008 after a very brief session during which the Chairperson, three Vice Chairpersons, and a Spokesperson were elected and 14 committees were formed. This new session, will last until July, should provide some insight into how/whether a consensus-driven organization of 520-plus individuals with differing agendas can come together and produce a new Constitution.

Martinez